

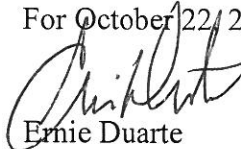


# MEMORANDUM

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DATE: October 7, 2009  
For October 22, 2009 Hearing

TO: Peter M. Gavin  
Zoning Examiner

FROM:   
Ernie Duarte  
Planning & Development Services  
Director

SUBJECT: REZONING - PLANNING & DEVELOPMENT SERVICES REPORT  
Subject: C9-09-05 P&H Contracting – Glenn Street, MH-1 to I-1 (Ward 3)

**Issue** – This is a request by Robin Large, on behalf of the property owner, George Herman of P&H Contracting, to rezone approximately 0.7 acres from MH-1 to I-1 zoning. The rezoning site is located on the north side of Glenn Street approximately 370 feet west of Fairview (see Case Location Map). The preliminary development plan proposes an expansion of an existing construction service use (contractor's yard). A total of four, one-story structures with a maximum building height of 40 feet, and additional parking and outdoor equipment storage are proposed for the entire site to consolidate and expand the existing use of the property to include an office, fabrication shop, automotive service and storage building and outdoor material and heavy equipment storage area.

**Planning & Development Services Recommendation** – The Planning & Development Services Department recommends approval of the I-1 zoning, subject to the attached preliminary conditions.

## **Background Information**

**Existing Land Use:** Construction service.

## **Surrounding Zones and Land Uses:**

North: Zoned MH-1; existing mobile home park.  
South: Zoned I-1; across Glenn Street on the south side is a manufacturing facility.  
East: Zoned MH-1; residential and commercial uses.  
West: Zoned I-1; the existing water utility contracting business.

**Previous Cases on the Property:** none

Related Cases:

C9-00-13 Tucson Electric Power Co. – Flowing Wells Rd. I-1 to I-2. This was a rezoning request to allow the expansion of the DeMoss Petrie Generation Site with two (2) natural gas-powered generators with an approximate height of sixty (60) feet. On July 10, 2000 Mayor and Council adopted Ordinance No. 9422 rezoning the site from I-1 to I-2. A building permit (T01CM05254) was issued on October 13, 200.

C9-01-13 Khandhar – Miracle Mile Rezoning, MH-1 to C-2. This was a rezoning request to allow personal self-storage and covered recreational vehicle (RV) storage on a 3.88 acre site. On March 18, 2002 Mayor and Council adopted Ordinance No. 9684 rezoning the site from MH-1 to C-2.

C9-02-10 Tetra Corporation – Glenn Street, O-3 to C-2. This was a rezoning request to allow an expansion of an existing light assembly and warehouse facility operated in conjunction with a sheltered workshop, job development and placement facility for low functioning adults. On December 19, 2006, Mayor and Council adopted Ordinance No. 10363 rezoning the site from O-3 to C-2. A building permit (T06CM04148) was issued on March 16, 2007.

**Applicant's Request** – To consolidate and expand the existing use of the property to include an office, fabrication shop, automotive service and storage building and outdoor material and heavy equipment storage area.

**Planning Considerations**

Policy direction is provided by the *General Plan*, which supports compatible infill development that is sensitive to the site and surrounding conditions, protects established neighborhoods, and promotes neighborhood identity and visual character. Industrial development and redevelopment that will contribute to Tucson's overall economic vitality is promoted.

This site is located about ½ mile east of Interstate 10 (I-10) and ¼ mile south of Miracle Mile. It's at the northeastern edge of a largely industrial area that extends from I-10 east to Fairview, and from Miracle Mile south to Grant Road. In the vicinity of the project site, Fairview Avenue is a dividing line between the residential uses to the east, and the mostly industrial uses to the west.

East of the site, on the west side of Fairview, are residential and commercial uses in MH-1 zoning. The three parcels directly east of the rezoning site are under the same ownership as the rezoning site. North of the site is an existing mobile home park in MH-1 zoning. West of the rezoning site is the existing water utility contracting business, and further west are industrial uses, including a tire center and a self storage facility, both in I-1 zoning. Glenn Street borders the site to the south, and a manufacturing facility is on the south side of Glenn Street, in I-1 zoning.

The project site is currently zoned I-1 and MH-1, with industrial uses related to the contracting business currently taking place on a portion of the property. The requested rezoning is to allow an

expansion of those industrial uses onto the current MH-1 portion of the site. The key issue to be addressed in this rezoning is the compatibility of the industrial uses with an existing mobile home park adjacent to the north/northeast. Policy direction in the *General Plan* promotes industrial development and redevelopment that will contribute to Tucson's overall economic vitality, environmental quality and community character. Industrial development should be sensitive to the site and surrounding land uses.

All proposed building heights are expected to be single-story, but due to the industrial uses, these buildings may reach 40-feet in height. The proposed automotive service building at the northeast corner of the site is proposed for a height of 18-feet, which can serve as a transition height for adjacent mobile home park. Buildings of greater height will be sited towards the interior of the site and adjacent to other industrial uses to the west.

Vehicular access to the rezoning site is proposed from a gated access point on Glenn Street. Glenn Street, identified as a collector street with a future right-of-way of 64 feet on the Major Streets and Routes Plan map.

The Pima Association of Governments - Transportation Planning Division (PAG-TPD) estimates that the proposed development will generate 100 vehicle trips per day. Field inspection by staff indicates there are currently no billboards on the rezoning site.

### **Design Considerations**

*Land Use Compatibility* – The Preliminary Development Plan (PDP) shows greater than required setbacks to reduce the impact of the proposed development on the neighboring mobile home park. The PDP shows a 10' landscape border with six-foot wall along the north and east property lines. A 50-foot setback is proposed for the heavy equipment and outdoor material storage area at the northwest portion of the site. The automotive service and material storage building shows a proposed 41-foot building setback from the north property line.

Parking areas will be located in close proximity to each of the proposed structures, with loading zones located in the middle of the site away from the adjacent mobile home park. All parking, loading and maneuvering will be provided on site. Lighting will be shielded and directed downward and away to avoid spillover onto adjacent properties. One canopy tree should be provided for every four parking spaces to decrease the urban heat island effect and to provide visual appeal. The perimeter of the site will be surrounded by block or chain link fencing, with gated access.

All new buildings proposed on the PDP will be site-built and will be similar to the architectural style of other industrial buildings in the surrounding area. These buildings will be taller than typical single-story buildings given the industrial nature of the project. Buildings should be designed to be attractive and include four-sided design, especially for those buildings sited closer to the northern portion of the site. The proposed bay doors/openings for the paint and blast shop and the automotive service building are shown on the PDP to be directed to the south, away from the mobile park. The shop building along Glenn Street is about 285 feet away from the north property line and faces inward towards the interior of the project away from a public right-of-way. The buildings along Glenn Street have been oriented to parallel the street and provide

increased privacy and buffering for the site. It should be noted that the site boundary has been expanded to include 23-feet of former right-of-way along Glenn Street acquired from the City of Tucson. This site expansion allows the owner/developer to move the industrial operations away from the adjacent mobile home park. To further mitigate negative impacts on the adjacent residential uses, Development Review Staff is requesting, as a condition, that hours of operation, including deliveries/pick-ups, trash pick-up, and outdoor construction service uses be limited from 5:00 a.m. to 10:00 p.m.

Drainage/Grading/Vegetation - Drainage flows east-to-west and the site does not lie within a mapped floodplain. Nevertheless, it is affected by a regulatory flow of greater than 100 cfs. The site lies within the Flowing Wells Wash watershed. Detention is not required because this watershed is not designated as a balanced basin or critical basin; however, threshold retention is required for the 5-year flow volume, as the site is greater than one acre in size. Water harvesting is also required and may be used to offset threshold retention requirements. Site soils are Hydrologic Type D and have low permeability.

Pima County Regional Wastewater Reclamation Department (PCRWRD) has also reviewed this rezoning request and recommends the applicant meet with department staff to determine sewer service and facility needs.

Road Improvements/Vehicular Access/Circulation – Glenn Street has 40 feet of pavement, wedge curbing and a 25 mph speed limit. There is no sidewalk along the Glenn Street frontage but sidewalk does exist along the parcel to the west and along other parcels on Glenn Street. The Department of Transportation – Engineering Division staff requests, as a condition, installation of a sidewalk along the Glenn Street frontage of the project.

The Department of Transportation - Traffic Engineering Division staff comments the proposed gate location does not meet the practicing standard of the proposed DSD Gated Entry development standard and recommends, as a condition, the applicant contact Traffic Engineering to explore other options regarding the gated entry.

**Conclusion** – *General Plan* policies support opportunities for industrial development in locations served by existing infrastructure, when appropriate design elements and/or land use transitions can be utilized to mitigate impacts on adjacent, less intensive land uses. The applicant has designed the site to minimize impacts on adjacent residential properties through the use of extended setbacks, site layout, and building orientation. Subject to the attached preliminary conditions, approval of the requested I-1 zoning is appropriate.

Preliminary Conditions

PROCEDURAL

1. A development plan in substantial compliance with the preliminary development plan dated August 4, 2009, and the Design Compatibility Report, is to be submitted and approved in accordance with Section 5.3.8. of the *Land Use Code*.
2. The property owner shall execute a waiver of potential claims under A.R.S. Sec. 12-1134 for this zoning amendment as permitted by A.R.S. Sec. 12-1134 (I) in the form approved by the City Attorney and titled “Agreement to Waive Any Claims Against the City for Zoning Amendment”.
3. An archaeological assessment and survey shall be performed by a qualified archaeologist before any grading or other ground modification takes place. If cultural features or remains are found, testing and data recovery shall be completed as needed. Copies of testing plans, testing reports, data recovery plans and final reports shall be submitted to and approved by the City Historic Preservation Office prior to construction work commencing. If, during construction, human remains and/or associated burial items are discovered, ground disturbing activities in the vicinity of the discovery will cease, the discovery site will be secured, and the Arizona State Museum will be immediately notified as required under A. R. S. 41-865.
4. Any relocation, modification, etc., of existing utilities and/or public improvements necessitated by the proposed development shall be at no expense to the public.
5. “Safe by Design” concepts shall be incorporated in the development plan for review by the Tucson Police Department.
6. The owner / developer shall obtain written documentation from the PCRWRD that treatment and conveyance capacity is available for any new development within the rezoning area, no more than 90 days before submitting any tentative plat, development plan, sewer improvement plan or request for building permit for review. Should treatment and / or conveyance capacity not be available at that time, the owner / developer shall have the option of funding, designing and constructing the necessary improvements to Pima County’s public sewerage system at his or her sole expense or cooperatively with other affected parties. All such improvements shall be designed and constructed as directed by the Pima County Wastewater Management Department.
7. Five years are allowed from the date of initial authorization to implement and effectuate all Code requirements and conditions of rezoning.

LAND USE COMPATABILITY

8. All outdoor lighting, both wall and pole mounted shall be full cutoff, directed down and shielded away from adjacent parcels and roadways.
9. Building facades at the rear and sides shall have architectural character and detail comparable to the front façade, including but not limited to color palette, non-glare roof material/lines,

## Preliminary Conditions

and exterior materials. A color palette and dimensioned elevation drawings shall be submitted as part of the development plan submittal to demonstrate compliance with this condition.

10. One canopy tree shall be provided within the vehicular use area for each four motor vehicle parking spaces. Alternatively, the applicant may demonstrate, through a shade pattern analysis, that the shade pattern created by mature canopy trees, buildings and other structures on the vehicular use area (summer months, June or July) during the hours from 9:30 a.m. to 3:30 p.m., shall cover fifty percent of the paved area
11. Building height for the automotive service and material storage building in the northeast corner of the site shall not exceed twenty feet (20) in height, and shall have a minimum forty-one foot (41) building setback from the north property line, and twenty-four foot (24) building setback from the east property line.
12. Heavy equipment and outdoor material storage shall have a fifty-foot (50) setback from the north property line.
13. Loading zones and dumpsters to be located a minimum fifty feet (50) from residential uses and zoning.
14. Hours of operation including deliveries/pick-ups, trash pick-up, and outdoor construction service uses to be from 5:00 a.m. to 10:00 p.m.
15. Bay doors/openings for the paint and blast shop building shall be directed to the south. Bay doors/openings for the automotive service and material storage building shall be directed to the south.
16. Provide ten foot (10) landscape border with canopy trees and six foot (6) masonry wall along the entire north and east property lines.
17. All noise-generating elements within fifty feet (50) of residential zones and uses shall be enclosed.
18. All walls visible from a public right-of-way and/or adjacent to existing residential development, are to be graffiti-resistant and incorporate one (1) or more visually appealing design treatments, such as the use of two (2) or more decorative materials like stucco, tile, stone, or brick; a visually interesting design on the wall surface; varied wall alignments, (jog, curve, notch, setback, etc.); and/or trees and shrubs in voids created by the wall variations.
19. Six (6) inch wide fence block or greater shall be used for perimeter walls.



## Preliminary Conditions

DRAINAGE/GRADING/VEGETATION

20. Preparation of a complete Drainage Report, including details of detention/retention, is required. Should detention/retention be required, the following will apply:
- a. Each detention/retention basin shall include a sediment trap, or other sediment control measures as approved by the City Engineer, to prevent sedimentation of the detention/retention basin. Each sediment trap, or other sediment control measure, shall have a provision for total drainage.
  - b. Detention/retention basin floors shall be graded to drain either toward the outlet structure or other logical point. Basin floors shall not be flat.
  - c. Detention/retention basins in or adjacent to the residential area shall be located adjacent to a street or accessible common area. Basin sideslopes in the adjacent area(s) shall be designed and constructed in accordance with the requirements of the Detention/Retention Manual for human activity zones.
  - d. Rectangular basin shapes shall be avoided unless necessitated by recreational or visual amenities within the basin.
  - e. Vegetation shall be used as screening and/or security barrier for a minimum of ten percent of the basin perimeter.
  - f. All security barriers and screening for detention/retention basins shall meet Safe By Design guidelines.
21. Rain water harvesting must be conducted at this site per the requirements in Land Use Code (LUC) sections 3.7.1.1.A, 3.7.4.3.B and 3.7.4.5.B, and Development Standard 10-03.
22. The owner / developer shall construe no action by Pima County as a commitment to provide sewer service to any new development within the rezoning area until Pima County executes an agreement with the owner / developer to that effect.
23. The owner / developer shall connect all development within the rezoning area to Pima County's public sewer system at the location and in the manner specified by the Wastewater Management Department in its capacity response letter and as specified by the Development Services Department at the time of review of the tentative plat, development plan, sewer construction plan, or request for building permit.
24. The owner / developer shall fund, design and construct all off-site and on-site sewers necessary to serve the rezoning area, as determined necessary at the time of review of the tentative plat, development plan, sewer construction plan, or request for building permit. The owner / developer shall complete the construction of all necessary public and/or private sewerage facilities as required by all applicable agreements with Pima County, and all

Preliminary Conditions

applicable regulations, including the Clean Water Act and those promulgated by ADEQ, before treatment and conveyance capacity in the downstream public sewerage system will be permanently committed for any new development within the rezoning area.

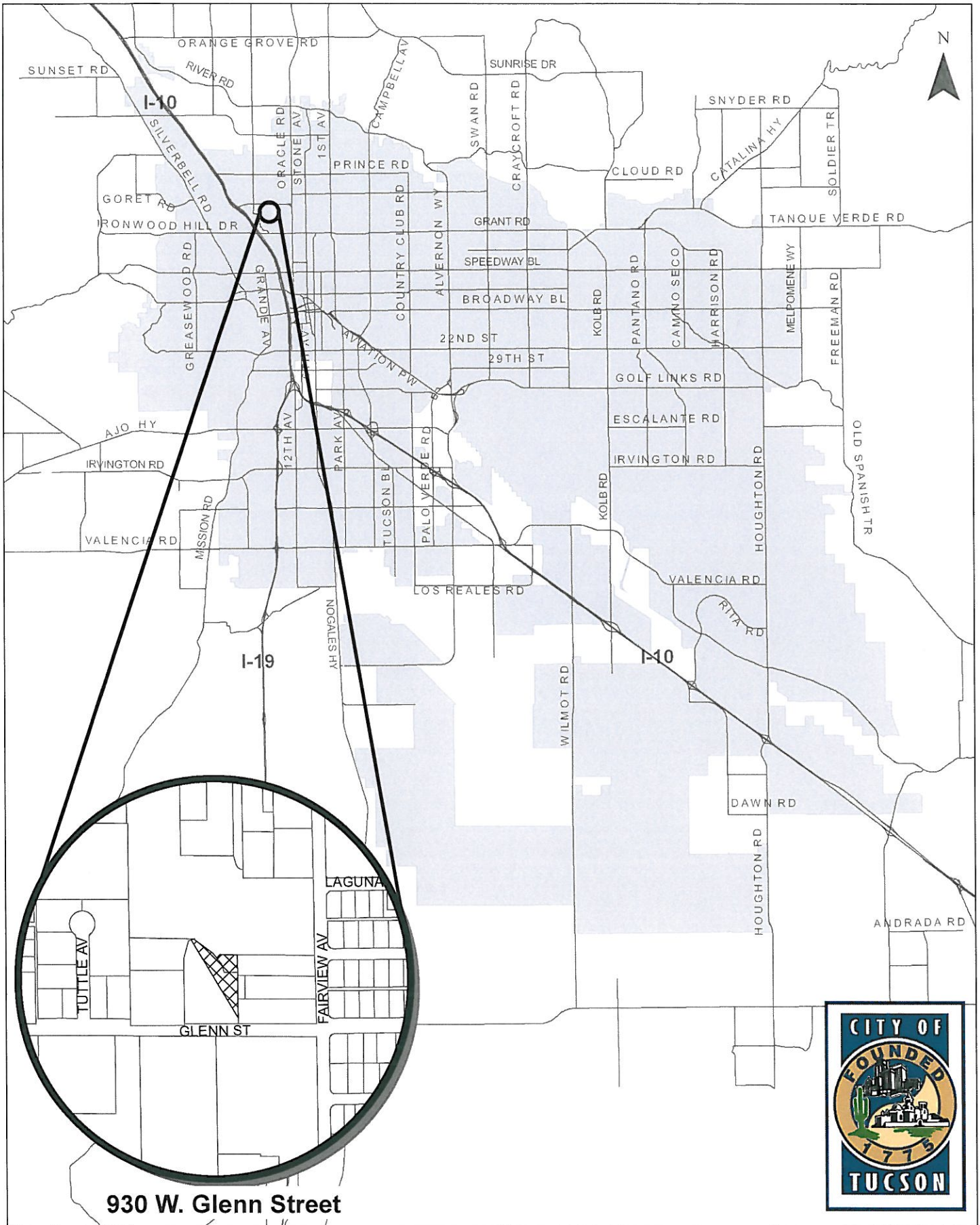
ROAD IMPROVEMENTS/VEHICULAR ACCESS/CIRCULATION

25. Six-foot-wide sidewalk shall be installed along the Glenn Street frontage of the project.
26. Applicant to contact Traffic Engineering to explore other options regarding the gated entry gate location.

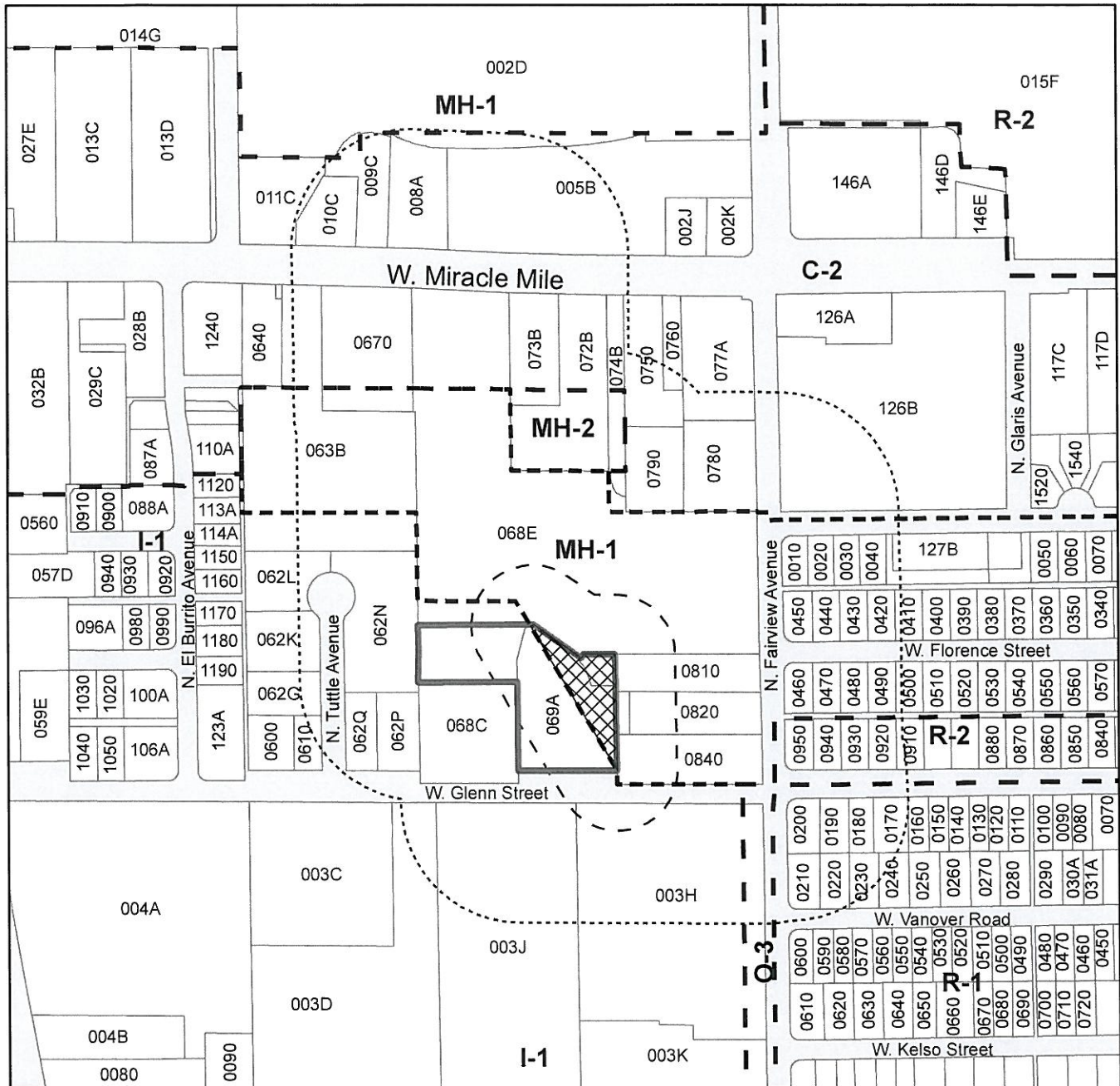
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# C9-09-05 P&H Contracting - Glenn Street








Rezoning Request: from MH-1 to I-1



0 150 300 Feet

1 inch = 400 feet

-  Area of Rezoning Request  
 Area of Proposed Development  
 Protest Area (150 foot radius)  
 Notification Area (300 foot radius)  
 Zone Boundaries

Neighborhood, Area Plan(s): none

Address: 930 W. Glenn Street

Base Maps: Sec.35 T.13 R.13

Ward: 3







**C9-09-05 P&H Contracting - Glenn Street**  
May 2009 Aerial



Place  
Stamp  
Here

City of Tucson  
**Planning and Development Services Department**  
Rezoning Section  
201 N. Stone  
P.O. Box 27210  
Tucson, Arizona 85726-7210

**C9-09-05**

Expose this flap - Affix stamp and return

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City of Tucson  
Planning and Development Services  
Department -Rezoning Section  
201 N. Stone Avenue  
P.O. BOX 27210  
Tucson, Arizona 85726-7210

**C9-09-05**

**IMPORTANT REZONING NOTICE ENCLOSED**



## Approval – Protest Form

If you wish to submit a written protest or approval, this form is provided for your convenience. Please print your comments below, sign your name, and mail to the Rezoning Section of the Planning and Development Services Department at the address on the reverse side (you will need to attach postage). The number of approvals and protests along with protest calculations will be reported at the Zoning Examiner's public hearing.

**Approvals and protests must have an owner's signature to be recorded.**

If protests are filed from property owners representing 20% or more by area in any quadrant of the area located within a 150 foot radius of the parcel(s) on which the rezoning is proposed, an affirmative vote of  $\frac{3}{4}$  of the Mayor and Council will be required to approve the rezoning ordinance.

**Case:** C9-09-05 P&H Contracting – Glenn Street, MH-1 to I-1 (Ward 3)

\_\_\_\_\_  
I/We the undersigned property owners, wish to

- ☐ APPROVE the proposed rezoning.  
☐ PROTEST the proposed rezoning.

**Reason:**

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PLEASE PRINT YOUR NAME	PLEASE PRINT MAILING ADDRESS	PLEASE PRINT LEGAL PROPERTY DESCRIPTION		
		Subdivision	Block	Lot

Owner's Signature: \_\_\_\_\_ Date \_\_\_\_\_